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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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TM02/1022

EXAMINER

KUPSTAS, T

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 10/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/556,978

Applicant(s)

Oh et al.

Examiner

Tod Kupstas

Art Unit

2153



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-3, 19, 23, and 24 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-3, 19, 23, and 24 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☒ Certified copies of the priority documents have been received in Application No. 09/055,711.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

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DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities: In line two there is a period after "surface". Consequently the claim is only considered up until this point because it is believed that the remaining language is incorrect. Furthermore the material following the period is material that was previously restricted to the parent application, and would therefore be restricted in this application if the language was meant to be in the claim. Clarification of this claim would be appreciated, as it stands the examiner is considering the material only up to the first period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 19, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior art, as disclosed on pages 1 and 2, and figure 1 of Applicant's specification, in view of Tognazzini (US 5,959,946).

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As set forth in claim 1, The Admitted prior art discloses a hybrid disc comprising: a substrate; a label printed surface (A) formed on said substrate; a first recording surface (B, the CD layer), said first recording surface being formed at a first interval below said label printed surface; and a second recording surface (C, the DVD layer) formed at a second interval below said label printed surface; wherein said second interval is longer than said first interval (the DVD layer is further down).

As set forth in claim 2, the Admitted prior art discloses a hybrid disc wherein said first recording surface is a CD recording surface on which CD data is recorded (layer B), and said second recording surface is a DVD recording surface on which DVD data is recorded (Layer C).

As set forth in claim 19, the Admitted prior art discloses a hybrid disc comprising: a substrate; a first recording surface (layer B) formed at a first level in said substrate; and a second recording surface formed at a second level in said substrate, said second recording surface (layer C) including a second format type of reproduction data (the DVD layer) different from said first type of reproduction data.

As set forth in claim 23, the Admitted prior art discloses a disc wherein one of said first and second recording surfaces is a CD recording surface (Layer B).

As set forth in claim 24, the Admitted prior art discloses a disc wherein one of said first and second surface is a DVD recording surface (Layer C).

As set forth in claims 1, 3, and 19, the Admitted prior art does not disclose having a ID information in a predetermined area indicating the type of disk that it is. Tognazzini discloses a

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type of hybrid disc wherein there is an area where information indicating the type of disc to played is contained in a special area; see col. 6, lines 33-38. Furthermore this area can be different optical mediums e.g. a writable and readable optical medium in the separate layers; see col. 4, line 63-col. 5, line 4, or one layer can be different than the standard optical format (see abstract). It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the hybrid disc of the Admitted prior art, with an area identifying the type of disc, as taught by Tognazzini. The rationale is as follows: It would have been desirable to have informed the disc player as to which format was located on the disc. As Tognazzini teaches the desirability of having the ID information recorded in an area of the disc, one of ordinary skill would have been motivated by Tognazzini's teaching to have provided the Hybrid disc of the Admitted prior art with ID information thereby having provided means for facilitating the reproduction of discs in the player.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sako et al. (US 5,896,355) discloses a data recording /reproducing apparatus corresponding to a plurality of error correcting system and a data recording medium.


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Sako (US 5,694,381) discloses an information data reproducing system, reproducing apparatus, reproducing method, data forming apparatus, and data record medium.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this art unit is (703) 308-6743. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas


October 15, 2001


BRIAN E. MILLER
PRIMARY EXAMINER